

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

NEXT INNOVATIONS, LTD.,

Civil No. 05-1217 (JRT/RLE)

Plaintiff,

**ORDER**

vs.

IRON STOP, INC.,  
AND RON SPINKS,

Defendants.

Kurt J. Niederluecke and S. Jamal Faleel, **FREDRIKSON & BYRON, P.A.**,  
200 South Sixth Street, Suite 4000, Minneapolis, Minnesota 55402-1425, for  
plaintiff.

Dean C. Eyler, **GRAY, PLANT, MOOTY, MOOTY & BENNETT, PA**, 80  
South Eighth Street, Suite 500, Minneapolis, Minnesota 55402, for defendants.

Kimberly A. Elkjer and Robert M. Millimet, **SCHEEF & STONE, LLP**, 5956  
Sherry Lane, Suite 1400, Dallas, Texas 75225, for defendants.

Based upon the Report and Recommendation of United States Chief Magistrate Judge  
Raymond L. Erickson, and after an independent review of the files and records in this case,  
and on the fact that no objections have been filed to the Report and Recommendation,

**IT IS HEREBY ORDERED** that:

The plaintiff's motion to dismiss the defendants' counterclaims [Docket No. 26] is  
DENIED.

DATED: February 13, 2006  
at Minneapolis, Minnesota

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge